

**SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM**

**SUBJECT:** Sun Life Assurance Company of Canada property

**DEPARTMENT:** County Attorney's Office

**DIVISION:** Litigation

**AUTHORIZED BY:** Lola Pfeil

**CONTACT:** Sharon Sharrer

**EXT:** 7257

**MOTION/RECOMMENDATION:**

Sun Life Assurance Company of Canada property. Approval of a proposed negotiated settlement relating to Parcel Number 848 on the Lake Emma Road improvement project. The proposed negotiated settlement is at the sum of \$374,116.62 inclusive of all land value, improvements, cost to cure, damages, statutory interest, total attorney's fees, expert fees and cost reimbursements. Judge Galluzzo.

District 4 Carlton D. Henley

Bob McMillan

---

**BACKGROUND:**

see attached

**STAFF RECOMMENDATION:**

Staff recommends that the Board approve the proposed negotiated settlement relating to Parcel Number 848 on the Lake Emma Road improvement project. The proposed negotiated settlement is at the sum of \$374,116.62 inclusive of all land value, improvements, cost to cure, damages, statutory interest, total attorney's fees, expert fees and cost reimbursements.

**ATTACHMENTS:**

1. Sun Life Assurance Company of Canada property

<b>Additionally Reviewed By:</b> No additional reviews
---



**COUNTY ATTORNEY'S OFFICE  
MEMORANDUM**

To: Board of County Commissioners

Through: Robert A. McMillan, County Attorney

From: Matthew G. Minter, Deputy County Attorney *Matthew G. Minter*  
Ext. 5736

Concur: Pam Hastings, Administrative Manager/Public Works Department  
Antoine Khoury, P.E., Principal Engineer/Engineering Division *AEK*

Date: May 9, 2008

Subject: Settlement Authorization  
Lake Emma Road  
Parcel No. 848  
Owner: Sun Life Assurance Company of Canada  
Seminole County v. Huntington Pointe Homeowners Association, Inc.  
• Case No.: 2007-CA-3987-0126-13-L

This memorandum requests settlement authorization by the Board of County Commissioners (BCC) as to Parcel No. 848 on the Lake Emma Road project. This parcel was originally acquired as a permanent easement for a storm water pond. The proposed negotiated settlement will provide for the County to acquire fee simple interest, plus a temporary license to use eleven (11) parking spaces for the benefit of the adjacent property (Collage Design) during construction of the County's project, for a total sum of \$374,116.62 inclusive of all land value, improvements, cost to cure, damages, license agreement, statutory interest, total attorney's fees, expert fees and cost reimbursements. The total sum is allocated as follows:

\$330,000.00	land value for fee simple interest
\$ 25,080.00	statutory attorney's fees
\$ 8,036.62	expert's fees and costs
\$ 11,000.00	license for use of parking spaces

**I PROPERTY**

A. Location Data. Parcel No. 848 is located within Technology Park of Lake Mary Industrial Park west of Lake Emma Road. A location map depicting the location of the parcel is attached as Exhibit A.

B. Address. The physical address is 255 Technology Park, Lake Mary, Florida 32746. A Parcel sketch is attached as Exhibit B.

## **II AUTHORITY TO ACQUIRE.**

The BCC adopted Resolution No. 2007-R-29 on February 13, 2007. The Lake Emma Road project was found to be necessary and serving a public purpose and in the best interests of the citizens of Seminole County. The Order of Take to obtain permanent easement Parcel No. 848 was successful and occurred on February 7, 2008 with title vesting in Seminole County on February 18, 2008, the date of the good faith deposit in the amount of \$239,700.00.

## **III ACQUISITIONS AND REMAINDER**

The permanent easement acquisition of Parcel No. 848 totaled 0.615 acres from the parent tract of 11.492 acres, leaving a remainder of 10.877 acres.

## **IV APPRAISED VALUES**

A. County Report. The County's appraisal was prepared by The Spivey Group, Inc. The initial appraisal for the permanent easement, Parcel No. 848 was performed on March 5, 2007 and reported full compensation at \$239,700.000. The updated appraisal for the Order of Taking opined the same value.

B. Owner's Report. The owner has not had an appraisal prepared but hired an appraiser to review the County's appraisal reports, and provide assistance to the owner in making a counteroffer.

## **V BINDING OFFERS/NEGOTIATION**

The Board approved a binding written offer of \$265,000.00 based on the initial appraisal of a permanent easement interest on March 5, 2007. Because the acquisition is for a stormwater pond, the owner would have virtually no residual use of the property, but would have a potential liability as the property owner for injuries occurring on the property. The parties have negotiated a settlement calling for converting the acquisition from an easement to a fee simple interest. Based on values for a fee acquisition, the property owner made a counteroffer in the amount of approximately \$370,000.00, plus some additional conditions, which the County rejected. Because the adjacent property, Collage Design, is within the project area and would have its parking area temporarily impacted during construction, the County proposed obtaining a license for eleven (11) parking spaces from Sun Life. The parties have reached a settlement, subject to BCC approval, including \$330,000.00 for fee simple title to Parcel No. 848, and \$11,000.00 for a license for eleven (11) temporary parking spaces, for total compensation to the owner of \$341,000.00. The settlement also includes statutory attorney's fees and expert fees, as outlined below.

## **VI ATTORNEY'S FEES AND COST REIMBURSEMENTS**

A. Attorney's Fees. The statutory attorney's fee reimbursement totals \$25,080.00. The sum is statutorily computed based upon a settlement sum of \$341,000.00 less a first written offer of \$265,000.00 to produce a benefit of \$76,000.000.

B. Expert's Fees/Costs. The owner's claimed costs of \$8,036.62 for experts' fees and costs are reasonable for the referenced parcel. The break down is as follows:

\$2,081.00	Appraiser
\$4,630.24	Land Planning
\$1,325.38	Engineer

## **VII COST AVOIDANCE**

By this settlement, the County avoids all additional costs associated with litigation. Additionally, the license for parking spaces provided for herein will serve to mitigate damages to the adjacent property owner that may be caused by temporary loss of its parking spaces during the construction of the County's project.

## **VIII RECOMMENDATION**

County staff recommends that the BCC approve this negotiated settlement in the total sum of \$374,116.62 inclusive of all land value, improvements, cost to cure, damages, statutory interest, total attorney's fees, expert fees and cost reimbursements.

MGM/dre

Attachments

Exhibit A - Location map

Exhibit B - Parcel sketch

P:\Users\Dedge\My Documents\Mem\Agenda Item Huntington Pointe Sun Lake 848 Lk Emma.Doc

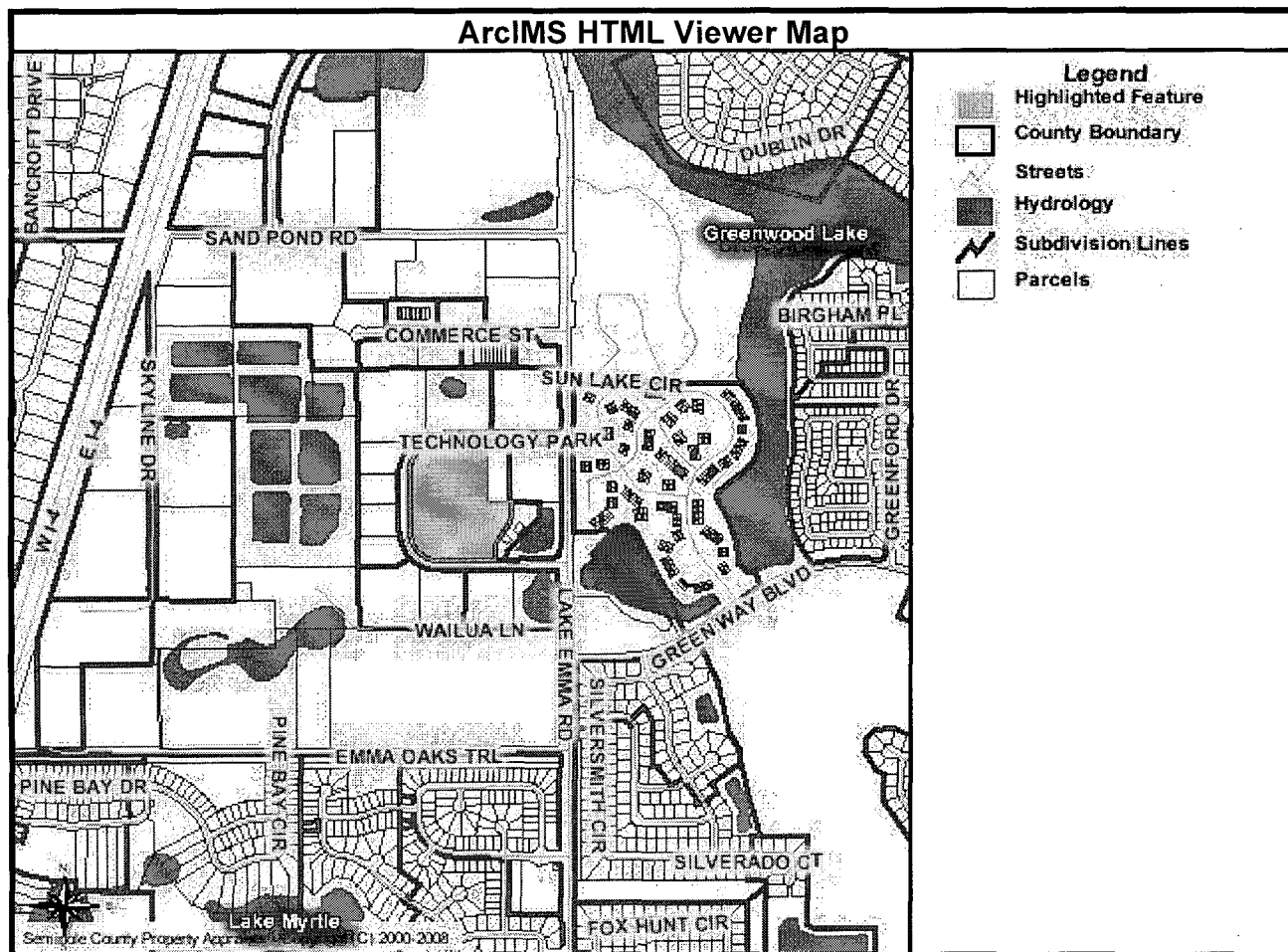


EXHIBIT A

EXHIBIT B